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**IN THE
COURT OF APPEALS OF INDIANA**

BEN PIENAAR,

Appellant-Defendant,

vs.

STATE OF INDIANA,

Appellee-Plaintiff.

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No. 41A05-0712-CR-698

APPEAL FROM THE JOHNSON SUPERIOR COURT NO. 3
The Honorable Kim Van Valer, Judge
Cause No. 41D03-0612-CM-1559

June 3, 2008

MEMORANDUM DECISION – NOT FOR PUBLICATION

RILEY, Judge

STATEMENT OF THE CASE

Appellant-Defendant, Ben Pienaar (Pienaar), appeals his conviction for driving while suspended, a Class A misdemeanor, Ind. Code § 9-24-19-2, and the judgment that he was speeding, a Class C infraction, I.C. § 9-21-5-13.

We affirm.

ISSUE

Pienaar raises one issue on appeal, which we restate as: Whether the State presented sufficient evidence to sustain the judgment of the jury.

FACTS AND PROCEDURAL HISTORY

On January 1, 2006, Johnson County Deputy Sheriff Eric Cox (Deputy Cox) clocked Pienaar's vehicle traveling eighty miles per hour, northbound, on State Road 37, near County Line Road in Johnson County, Indiana. That portion of State Road 37 is clearly marked as being a fifty-five mile-per-hour zone. Deputy Cox turned on his emergency lights and Pienaar pulled off the road about a quarter of a mile north of County Line Road in Marion County, Indiana. Deputy Cox approached the vehicle and Pienaar handed him the registration for the car he was driving and indicated that he did not have a driver's license because it had been confiscated by an officer in another state. Pienaar admitted that he knew his license was suspended at that time. Deputy Cox attempted to search Pienaar's driving record, but the necessary computer system was down at the time. Deputy Cox issued Pienaar a citation for speeding and informed him he would check the status of his driver's license in the near future. When Deputy Cox did perform the check of Pienaar's driver's license, he

confirmed that it was currently suspended and that Pienaar had a previous conviction for driving while suspended.

On December 13, 2006, the State filed an information charging Pienaar with driving while suspended, as a Class A misdemeanor, I.C. § 9-24-19-2, and speeding, a Class C infraction, I.C. § 9-21-5-13.¹ Pienaar requested and was granted a jury trial. On October 16, 2007, a jury trial was held. The State called Deputy Cox to testify at the jury trial. Deputy Cox testified about his stop of Pienaar, and that he reviewed Pienaar's driving record after the stop to learn that Pienaar's license was suspended at the time of the stop. Through Deputy Cox's testimony, the State entered into evidence State's Exhibit A, a certified copy of Pienaar's driving history, which showed that Pienaar's driver's license was suspended at the time of the stop and that he had previously been convicted for driving while suspended. At the close of evidence, the jury found Pienaar guilty of driving while suspended and that he was speeding.

Pienaar now appeals. Additional facts will be provided as necessary.

DISCUSSION AND DECISION

Pienaar summarizes his argument by stating in bold type, "The State failed to provide sufficient evidence to support a conviction for speeding and driving while suspended." (Appellant's Brief p. 3). Thereafter, he raises numerous contentions disputing the propriety of the proceedings and validity of the evidence that was presented.

¹ Pienaar's Appellant's Appendix fails to meet the requirements of Ind. Appellate Rule 50B for several reasons. Notable here, the Appellant's Appendix does not contain the Clerk's Record, including the charging

Our standard of review for claims of insufficient evidence is well settled.

In reviewing a sufficiency of the evidence claim, this court does not reweigh the evidence or judge the credibility of the witnesses. We will consider only the evidence most favorable to the verdict and the reasonable inferences drawn therefrom and will affirm if the evidence and those inferences constitute substantial evidence of probative value to support the judgment. [] Reversal is appropriate only when reasonable persons would not be able to form inferences as to each material element of the offense.

Perez v. State, 872 N.E.2d 208, 212-13 (Ind. Ct. App. 2007), *trans. denied*.

To prove that Pienaar committed driving while suspended, as a Class A misdemeanor, the State was required to prove that Pienaar operated a motor vehicle upon a highway when he knew that his driver's license was suspended, and that less than ten years had elapsed since a judgment had been issued against Pienaar for a prior unrelated commission of driving while suspended. *See* I.C. § 9-24-19-2. To prove that Pienaar was speeding, the State was required to prove that Pienaar was driving a vehicle on a highway in excess of the maximum speed limit. *See* I.C. § 9-21-5-13.

At trial, Deputy Cox testified that he clocked Pienaar's car traveling on a highway, with Pienaar driving, eighty miles per hour where the maximum speed limit was fifty-five miles per hour. Pienaar stated to Deputy Cox that his license had been taken by an officer of another state. Further, Deputy Cox testified that he reviewed Pienaar's driving record and determined that Pienaar's driver's license was suspended when Deputy Cox had pulled Pienaar over. Additionally, he determined that Pienaar had been convicted of driving while

information from the State, or the chronological case summary. Nevertheless, we were able to verify the filing of charges because the State has filed an Appellee's Appendix with the chronological case summary.

suspended twice during the previous ten years. The State of Indiana entered into evidence a certified copy of Pienaar's driving history, which confirmed Deputy Cox's testimony.

As for Pienaar's other contentions, they are either irrelevant to his argument that the State failed to present sufficient evidence, or they rely on evidence which was discredited by the jury. Since we only look at evidence most favorable to the judgment and cannot reweigh the evidence, we conclude that the State presented sufficient evidence to support the jury's judgment that Pienaar was guilty of driving while suspended, as a Class A misdemeanor, and that he was speeding, a Class C infraction.

CONCLUSION

Based on the foregoing, we conclude that the State presented sufficient evidence to prove that Pienaar committed driving while suspended, as a Class A misdemeanor, and speeding, a Class C infraction.

Affirmed.²

BAKER, C.J., and ROBB, J., concur.

² Pienaar's Motion for Oral Argument is hereby denied.